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OFFICE OF PETITIONS

BULLIVANT HOUSER BAILEY PC
1415 L STREET, SUITE 1000
SACRAMENTO, CA 95814

In re Application of	:	
William J. CRILLY, Jr.	:	
Application No. 10/680,965	:	DECISION ON PETITION
Filed: October 7, 2003	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 29988/40000	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 8, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 9, 2008.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

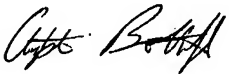
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, supplemental amendment, (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631

(Comm'r Pats. 1988). Since the \$555 extension of time fee submitted with the petition on October 30, 2009 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2434 for appropriate action by the Examiner in the normal course of business on the reply received October 30, 2009 and the supplemental amendment received November 20, 2009.

A handwritten signature in black ink, appearing to read "Chris Bottorff", written in a cursive style.

Christopher Bottorff
Petitions Examiner
Office of Petitions